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April 23, 2003

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The Honorable William Quarles
United States District Court for the
District of Maryland - Northern Division
Garmatz Federal Courthouse
101 W. Lombard Street
Baltimore, Maryland 21201

RE: *Timothy E. Ayres v. Charles T. Capute, et al.*
Civil Action No. WQ02CV0061.

Dear Judge Quarles:

Yesterday afternoon, I received from Plaintiff's local counsel, Gregg Schaaf, a copy of a telephone message from your chambers requesting that Mr. Schaaf submit a status letter for this case. Although it is my understanding that plaintiff's counsel has the initial responsibility to prepare the status report, I have advised plaintiff's lead counsel, Kevin Gibson, Esquire, that I would prepare a status report.

You may recall that I wrote to Judge Legg in March requesting a 30-day extension of the discovery and motions deadline. Your Honor granted our request to extend the discovery deadline to April 21, 2003, and to extend the motions deadline to May 20, 2003. On April 10, 2003, defendant noted the depositions of two witnesses, Theresa Hayes, Esquire, plaintiff's expert, and Richard Berl, Esquire, a fact witness, on April 17 and 18, respectively. (For some time prior to this, I had been attempting unsuccessfully to obtain from Mr. Gibson acceptable dates for Ms. Hayes' deposition.) On or about April 14, I received a copy of a letter from Plaintiff's counsel to Mr. Berl and Ms. Hayes indicating that Mr. Gibson would be on vacation on April 17 and 18, 2003, and requesting that the witnesses not attend their depositions on these dates. I subsequently spoke to Mr. Gibson, who indicated that due to a family vacation and other plans, he would be unavailable to participate in these or any other depositions prior to the discovery cut-off. He further indicated that his partner, Mr. Perkins, was unavailable to assist. Mr. Gibson was agreeable to rescheduling the depositions after he returned from vacation the following week.

Under the circumstances, and as an accommodation to Mr. Gibson, I agreed to postpone the depositions and to reschedule them after the discovery cut-off, subject to your approval. Since then, all counsel have agreed to take these depositions, and the deposition of a third witness,

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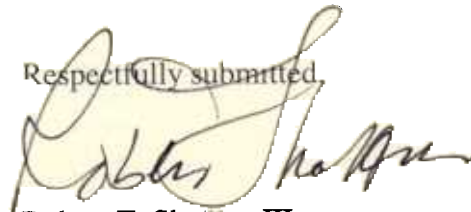
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Thomas Gay, on April 30, 2003, in Delaware. We would ask that you please authorize us to conduct these depositions on that date.

We anticipate filing a motion for summary judgment that may dispose of all of the claims in this case. Notwithstanding the changes to the discovery cut-off date, we remain prepared to meet the Court's current motions deadline of May 20, 2003. In light of this, we believe any settlement conference before a magistrate judge at this time would be premature.

I have circulated a draft of this letter to Mr. Gibson and he agrees with it. Thank you for your consideration of these matters.

Respectfully submitted,



Robert T. Shaffer, III

cc: Kevin William Gibson, Esquire
Gregg Schaff, Esquire